

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES M. BURKE and BRADLEY L. GROW,  
as the designated Sellers' Representatives, under that certain  
Agreement and Plan of Reorganization and Merger by and  
between Eateries Holdings, LLC, Eateries, Inc., Fiesta LLC,  
and the members of Eateries Holdings, LLC, on the one hand,  
and Hestia Holdings, LLC, Eateries Merger Sub, Inc. and  
Fiesta Merger Sub, Inc., on the other hand, dated as  
of December 26, 2006,

Case No. 07 CIV 9909 (HB)(HP)  
**AFFIDAVIT OF SERVICE**

Plaintiffs,

-against-

HESTIA HOLDINGS, LLC, a Delaware  
Limited Liability Company, EATERIES, INC., a  
Delaware corporation and FIESTA HOLDINGS,  
INC., a Delaware corporation,

Defendants.

-----X  
STATE OF DELAWARE )  
s.s.:  
COUNTY OF NEW CASTLE )

DANIEL NEWCOMB, being duly sworn deposes and says that he  
is over the age of eighteen, is an agent of KEATING & WALKER  
ATTORNEY SERVICE, and is not a party to this action.

That on the 9th day of November, 2007, at approximately  
2:37 p.m., deponent served a true copy of the Summons in a  
Civil Action, Complaint, Rule 7.1 Statement, Individual  
Practice Rules of Judge Baer, Individual Practice Rules of  
Magistrate Judge Pitman, Consent to Proceed Before a United  
States Magistrate Judge [Blank Form], Procedures for  
Electronic Case Filing dated March 6, 2003, Guidelines for  
Electronic Case Filing dated December 1, 2003, and 3rd Amended  
Instructions for Filing an Electronic Case or Appeal dated  
June 7, 2004 upon Hestia Holdings, LLC, by serving their  
Registered Agent, The Corporation Service Company at 2711  
Centerville Road, Wilmington, Delaware by personally  
delivering and leaving the same with Mary Drummond, Managing  
Agent, who informed deponent that she is authorized to accept  
service at that address.

Mary Drummond is a black female in her 40's, stands  
approximately 5 feet, 6 inches tall, weighs approximately 130  
pounds with brown hair and brown eyes.

Sworn to before me this  
9th day of November, 2007.



DANIEL NEWCOMB



NOTARY PUBLIC

KIMBERLY J. RYAN  
NOTARY PUBLIC-DELAWARE  
My Commission Expires June 15, 2008